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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,514	07/10/2000	Wade C. Klosterman	27553	9602

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EXAMINER

MISKA, VIT W

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/613,514

Applicant(s)

KLOSTERMAN, WADE C.

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Robertson. The reference discloses a timing device with timer (Fig. 1 shown as oscillator, divider), for measuring a period of time without reference to time of day, input device 10 for setting a period of time, measurement of time being started automatically upon setting of the time period (see col. 4, par.1).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

Art Unit: 2841

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patents to Timme in view of Inoue. Timme discloses a timing device for measuring time intervals without reference to time of day by selecting minutes or hours by means of input device 39, 37 and alarm 78. Inoue teaches the announcement of data relating to the operating mode of a timepiece by means of synthesized human speech, using a voice chip (Fig. 2(B)). One skilled in the art having both references would be taught that the operative modes of the timer in Timme may be audibly announced by means of audible speech, as done in the timekeeping device of Inoue, as an additional mean confirming means of data selection.

4. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timme and Inoue, as applied to claim 1, above, in further view of Mathurin. The recording of audible messages for playback is well known in the timepiece art, as shown in Mathurin. One skilled in the art would thus be taught to provide this feature in the timer of Timme as a further convenient feature for alarm time announcement.

5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson. The specific increments of time selected for incrementing the timer with switch 10 is left up to the user in the reference. An exemplary period of 30 minutes is

Art Unit: 2841

suggested at col. 4, line 16. Any other minute multiple would be an obvious extension of the suggested teachings of the reference.

6. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Inoue. Inoue teaches the announcement of data relating to the operating mode of a timepiece by means of synthesized human speech, using a voice chip (Fig. 2(B)), as noted above. One skilled in the art having both references would have a suggestion of using voice synthesized announcement of the operation modes of a timepiece in any timepiece where such announcement would be suitable. The Robertson device is such a suitable device for voice announcements to facilitate in recognition of the time periods being set. Thus, voice feedback signals in the timer of Robertson would be an obvious addition, as taught by Inoue. The length of the timing intervals has been shown to be an obvious matter of choice, as noted above.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Inoue and Mathurin. The same reasons for obviousness are noted here as for claims 15-17. Further, storage and playback of alarm messages is conventional, as shown in Mathurin. One skilled in the art would provide this convenient feature in the Robertson device for announcing timing intervals.

Art Unit: 2841

8. Applicant's comments have been given careful consideration; however, they have not been found persuasive. With respect to the combination of Timme and Inoue, applicant argues that to modify Timme with voice announcements, as in Inoue would be impractical because the former device is intended for medical use. There is nothing in Timme which would preclude the use of voice announcements of any of the timer modes. The timer is merely an equivalent of a conventional timepiece with timer capability and plural timer modes. Timepieces with voice announcements are well known, as evidenced by the noted prior art, and any inconvenience associated with voice notification inherent thereto would likewise be applicable to timers of the type disclosed in Timme or claimed by applicant. Thus, applicant's argument in this regard fails. (It should be noted that such voice announcers generally have a volume control and/or on/off feature to allow selective tone generation).

9. With respect to the combination with Mathurin, the same argument is advanced by appellant. Further, applicant's comments regarding combination of references under 35USC103 is generally correct. However, it should be noted that "the issue of obviousness is not determined by what the references expressly state, but what they would reasonably suggest to one of ordinary skill in the art" (see *In re DeLisle* 160USPQ806). The totality of the references is to be considered in light of the skill of the artisan to determine obviousness, not individual references considered in a vacuum.


Art Unit: 2841

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

VM  
July 15, 2002



**Vit Miska**  
**Primary Examiner**